APPLICATION NO.	FILING DATE	·FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,156	08/08/2001	Stephen Clark Purcell	BEL-019	3102

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EXAMINER
KNOLL, CLIFFORD H

ART UNIT	PAPER NUMBER
2112	

DATE MAILED: 11/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *8/13/2004*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

This Office Action is responsive to communication filed 8/13/2004. Currently claims 1-20 are pending.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

1.   *Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Wellen (US 2002/0075884).*

Regarding claim 1, Wellen discloses identifying first and second portions of a first message in slices, and identifying first and second portions of a second message in the slices (e.g., paragraph [0029], "schedule function"), selecting independently in each slice the same messages based on priorities, and sending the portions of the selected message to the network resource (e.g., paragraph [0031], "take these priorities into account").

Regarding claim 2, Wellen also discloses priorities based on ages (e.g., paragraph [0030], "VOQ").

Regarding claim 3, Wellen also discloses dividing each message to create the first and second portions and sending the portions to respective slices (e.g., paragraph [0029]).

Regarding claim 4, Wellen also discloses a memory resource (e.g., paragraph [0030], "virtual ports").

Regarding claim 5, Wellen also discloses the network resource is a processor (e.g., paragraph [0046]).

Regarding claim 6, Wellen also discloses a crossbar (e.g., paragraph [0052], "separate (optical) cross connect").

Regarding claim 7, Wellen discloses identifying first and second portions of a first message in slices, and identifying first and second portions of a second message in the slices (e.g., paragraph [0029], "schedule function"), selecting independently in each slice the same messages based on priorities, and sending the portions of the selected message to the network resource (e.g., paragraph [0031], "take these priorities into account").

Regarding claim 8, Wellen also discloses a memory resource (e.g., paragraph [0030], "virtual ports").

Regarding claim 9, Wellen also discloses the network resource is a processor (e.g., paragraph [0046]).

Regarding claim 10, Wellen also discloses a crossbar (e.g., paragraph [0052], "separate (optical) cross connect").

Regarding claim 11, Wellen discloses means for identifying first and second portions of a first message in slices, and for identifying first and second portions of a second message in the slices (e.g., paragraph [0029], "schedule function"), means for selecting independently in each slice the same messages based on priorities, and

means for sending the portions of the selected message to the network resource (e.g., paragraph [0031], "take these priorities into account").

Regarding claim 12, Wellen also discloses priorities are based on ages (e.g., paragraph [0030], "VOQ").

Regarding claim 13, Wellen also discloses means for dividing each message to create the first and second portions and sending the portions to respective slices (e.g., paragraph [0029]).

Regarding claim 14, Wellen also discloses a memory resource (e.g., paragraph [0030], "virtual ports").

Regarding claim 15, Wellen also discloses the network resource is a processor (e.g., paragraph [0046]).

Regarding claim 16, Wellen also discloses a crossbar (e.g., paragraph [0052], "separate (optical) cross connect").

Regarding claim 17, Wellen discloses means for identifying first and second portions of a first message in slices, and for identifying first and second portions of a second message in the slices (e.g., paragraph [0029], "schedule function"), means for selecting independently in each slice the same messages based on priorities, and means for sending the portions of the selected message to the network resource (e.g., paragraph [0031], "take these priorities into account").

Regarding claim 18, Wellen also discloses a memory resource (e.g., paragraph [0030], "virtual ports").

Regarding claim 19, Wellen also discloses the network resource is a processor (e.g., paragraph [0046]).

Regarding claim 20, Wellen also discloses a crossbar (e.g., paragraph [0052], "separate (optical) cross connect").

2.   *Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Chiussi (US 5689506).*

Regarding claim 1, Chiussi discloses identifying first and second portions of a first message in slices, and identifying first and second portions of a second message in the slices (e.g., col. 8, lines 52-61), selecting independently in each slice the same messages based on priorities, and sending the portions of the selected message to the network resource (e.g., col. 9, lines 56-60).

Regarding claim 2, Chiussi also discloses priorities based on ages (e.g., col. 5, lines 5-8).

Regarding claim 3, Chiussi also discloses dividing each message to create the first and second portions and sending the portions to respective slices (e.g., col. 8, lines 52-64).

Regarding claim 4, Chiussi also discloses a memory resource (e.g., col. 4, line 65).

Regarding claim 5, Chiussi also discloses the network resource is a processor (e.g., col. 9, lines 46-50).

Regarding claim 6, Chiussi also discloses a crossbar (e.g., col. 3, lines 62-63).

Regarding claim 7, Chiussi discloses identifying first and second portions of a

first message in slices, and identifying first and second portions of a second message in

the slices (e.g., col. 8, lines 52-61), selecting independently in each slice the same

messages based on priorities, and sending the portions of the selected message to the

network resource (e.g., col. 9, lines 56-60).

Regarding claim 8, Chiussi also discloses a memory resource (e.g., col. 4, line

65).

Regarding claim 9, Chiussi also discloses the network resource is a processor

(e.g., col. 9, lines 46-50).

Regarding claim 10, Chiussi also discloses a crossbar (e.g., col. 3, lines 62-63).

Regarding claim 11, Chiussi discloses means for identifying first and second

portions of a first message in slices, and for identifying first and second portions of a

second message in the slices (e.g., col. 8, lines 52-61), means for selecting

independently in each slice the same messages based on priorities, and means for

sending the portions of the selected message to the network resource (e.g., col. 9, lines

56-60).

Regarding claim 12, Chiussi also discloses priorities are based on ages (e.g., col.

5, lines 5-8).

Regarding claim 13, Chiussi also discloses means for dividing each message to

create the first and second portions and sending the portions to respective slices (e.g.,

col. 8, lines 52-64).

Regarding claim 14, Chiussi also discloses a memory resource (e.g., col. 4, line 65).

Regarding claim 15, Chiussi also discloses the network resource is a processor (e.g., col. 9, lines 46-50).

Regarding claim 16, Chiussi also discloses a crossbar (e.g., col. 3, lines 62-63).

Regarding claim 17, Chiussi discloses means for identifying first and second portions of a first message in slices, and for identifying first and second portions of a second message in the slices (e.g., col. 8, lines 52-61), means for selecting independently in each slice the same messages based on priorities, and means for sending the portions of the selected message to the network resource (e.g., col. 9, lines 56-60).

Regarding claim 18, Chiussi also discloses a memory resource (e.g., col. 4, line 65).

Regarding claim 19, Chiussi also discloses the network resource is a processor (e.g., col. 4, line 65).

Regarding claim 20, Chiussi also discloses a crossbar (e.g., col. 3, lines 62-63).

Response to Arguments

3.   *Applicant's arguments filed 8/13/2004 have been fully considered but they are not persuasive.*

Regarding claims 1-6, Applicant argues that Wellen does not teach "a switch having a first portion of a message in a first slice and a second portion of the message

in a second slice" and further argues that "data packets of a single stream are not brought through two input ports, but only a single input port" (p. 7); however nothing in the claims stipulate more than one input port. The routing function recited is anticipated by the disclosure of Wellen.

Applicant further argues that the "output port is not a network resource as it is internal to the switch" (p. 8); however, the output port is clearly connected to a network resource and by specifying an output port, the network resource connected to it is incontrovertibly specified.

Regarding claim 3, Applicant argues that Wellen does not disclose "dividing each message to create first and second portions" (p. 8); however this is the basic function of a router and is as cited clearly disclosed by Wellen.

Regarding claims 1-6, Applicant argues that Chiussi does not teach "a switch having a first portion of a message in a first slice and a second portion of the message in a second slice" and further argues that "data packets of a single stream are not brought through two input ports, but only a single input port" (p. 7); however nothing in the claims stipulate more than one input port. The routing function as recited is anticipated by the disclosure of Chiussi: [t]he delivery of the multicast cells occurs through a virtual connection (VC) established between input port 102 and the requested output ports" (col. 8, lines 52-54).

Applicant further argues that Chiussi "does not discuss identifying, for example, a chronological or spatial relation of the data packets; however, however data input into a router has a clear chronological and spatial relationship amongst the portions of the

data input. To the extent that they are identified and sent per the claim language,

Chiussi likewise identifies and routes the claimed portions.

Regarding claim 3, Applicant argues that Chiussi does not disclose "dividing

each message to create first and second portions" (p. 8); however this is the basic

function of a router and is as cited clearly disclosed by Chiussi.

Conclusion

4.   ***THIS ACTION IS MADE FINAL.*** *Applicant is reminded of the extension of time*

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Clifford H Knoll whose telephone number is 571-272-

3636. The examiner can normally be reached on M-F 0630-1500.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Mark H Rinehart can be reached on 571-272-3632. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

chk

Khanh Dang
Primary Examiner